C.S. 99

1923.

# Department of Revenue Board

OFFICE Separate Revenue

STATION Madras

R Bdk

No 116

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Dated 16-2-23

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(SUBJECT.)

S. Kanara Dt Ri Hirandar Taluk

TS 16 — location — 1922-23 — Orders

passed

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Ref No V4-6773-22-

OFFICE OF THE Collector of S.Kanara

STATION Mangalore

Date 31st January 1923

From

M.R.Ry Rao Bahadur S.N.V.Rajachar, Avl. B.A.
Collector of South Kanara.

BOARD OF REVENUE
SEPARATE REVENUE, MADRAS

To

The Secretary to the Board,
Separate Revenue.
Madras

ABKARI 262

Sir,

T.S.No.16 Volamogar - Location outside notified limits and within two miles of adjacent shops - Board's orders solicited.

The renter of T.S.No.16, Volamogar, Uppinangady Taluk, having shifted his shop from its old site at Paniadka, where it had been for several years past, to Padupinja within a furlong of theroad, the renters of the adjacent shops, T.S.Nos.17, Kuriya and 26, Ariyadka have put in their objection petitions on the ground - that their interests have been affected owing to the close proximity of the new site to their shops They also threaten to sue Government for the loss already sustained by them as also for the probable loss that they might sustain hereafter.

2. From the enquiry held, it appears that the shop (No.16) has now been moved more than 1½ miles east from about the centre of the village and located at a distance of only 500 feet or about ¼ furlong of the road almost on the eastern extremity of the village and that, while it was at a distance of 1 mile 5 furlongs 44 yards from T.S.No.17 and 2½ miles from T.S.No.26 during the last several years, it is now situated at a distance of only one mile 2 furlongs from T.S.No.17 and 1 mile 3½ furlongs from T.S.No.26.

3. All the three shops were notified to be located in unobjectionable sites in the village and at the time of the sales, the bidders were given to understand that all rural shops should be located beyond a furlong of the road, except where Collector's sanction was obtained and that the sites selected should not be such as would affect the ---- interests of adjacent shops. In this connection, it may be noticed that there was no change of site in respect of T.S. No.17 and that T.S.No.26 was moved only by about a furlong from the site occupied by it in 1920-21, as it remained --- unsold owing to N.C.O.movements last year. The change of site in respect of the latter shop was under special ---- circumstances sanctioned by my predecessor, the late Mr. Nedungadi. Thus it is clear that it is this shop, No.16, that has been moved within the minimum distance of 2 miles of the adjacent shops without the consent of their renters or without the Board's sanction and also located outside notified limits, i.e., within a furlong of the road, without proper authority. In 1919, the then renter of this very shop tried to shift it towards the road very near the present site. But the then Collector, Mr. Ellis, did not permit him to do ~~so~~ so on the ground that the sites selected were objectionable owing to nearness to the neighbouring shops of Kuriya and Ariadka. This fact also supports the contention of the objection-petitioners.

4. Formal licenses have already been issued by the Tahsildar. When called on to explain why he issued the -- license in respect of the shop in question, when he had one of the objection petitions filed by the renter of T.S.No. 17 with him, the Tahsildar says that his action was due to the Sub Inspector's mistake in issuing a palpably false certificate in the shop schedule, viz., that the shop was within the notified limits and that the objection of the renter of T.S.No.17 was groundless. I think both the Sub Inspector and the Tahsildar were wrong- the former in issuing a false certificate and the latter for his careless disposal of the

and calling on the Tahsildar why he should not be ---- punished. If the Board be pleased to agree with the local Government Pleader in his opinion given in his letter, dated 29-7-1921, referred to in this office --- report, R.O.C.No.210-23-V4, dated 20-1-23, the location of shop No.16 in the present site already licensed by the Tahsildar may be sanctioned with reference to B.P.No. 345(Separate Revenue), dated 17-11-1898.

5. The objection petitions of the renters of T.S. Nos.17 and 26 and the records of enquiry are herewith submitted for reference and return.

For Collector. 2/2/23

S.N.N.1-2-23/a.

4

C. F. 16—5,84,259—17-12-21.(6)

**OFFICE NOTE.**

SUBJECT S. Kanara Dt — Nelliyampathy Hills
TS 16 — location — 1922-23

From

Collr of S. Kanara

V/

p 1 CR

Register No. 262 / 23

Please see the Collrs report on pp 1-3 CR. A similar Case was referred to the Board by the Palghat Income Taxes Officer vide pp 1-3 of BP 17 a/23 dt 4.2.23. TS No 16, Nelliyampathy Taluk was located in the centre of Kollangoday village in 1921-22. For the current lease, the renter, on the alleged refusal of the owner of both years rent to lease it out selected a site in the eastern extremity of the village near the public road. On the S/Cs recommendation, this site was formally leased for TS 16 by the Taxes on 27.9.22. The location of the shop in the leased site is taken objection to by the renters of TS Nos 11 & 26 (shops in the adjoining villages). They also threaten to sue Govt for losses.

(L) p 2 CR

p 4 (X)

p 1 CR para 2 to p 2 CR on p 25 (X)

p 23 (X)

pp 11-13 & 15-17 (X)

p 1 CR

The present distance between T.S 16 and T. Nos 11 & 26 is 1/4 mile & 1 mile 3/2 furlongs respectively against 1 mile 5 furlongs & 2½ miles in 1921 Sr.

As per notified limits T.S 16 cannot be used in any way whatsoever to carry within the village. But it seems that the orders were made to understand at the time of sales that ships should not be used within a harbour limit but the orders remain the other question and that the sales selected should be such as not to affect the interests of the adjacent ships. It is this latter announcement that confirmed the whole situation. The Collr considers that as T.S 16 has been brought within the minimum limit of 2 miles from T. Nos 11 & 26, the interests of those latter ships are affected. There appears however to be no rule specifying a 2 mile limit in the case of mural ships. The Collr refers to BP 345 Pros/1896. It is observed that the 2 mile limit was one of the proposals raised by Mrs Meyer, but no mention was made of it either in the Lo or in the above BP. The point for consideration is therefore whether the present location of T.S no 11 affects the interests of T.S nos 11 & 26. The Harbour Engr seems to have taken that no interference is said necessary. If it

Quite a useless statement as the sites were only described generally at that time
S.R.S

from 3/p 2 CR

Mr Bolle is under a misapprehension there is no 2 mile limit. He may be thinking of
S.R.S
Mr 9/12

para 11 ltr 4-5 (G)

ltr 16-21 (G)

p 2-1 (G)

p 2 (K)

have a reasonable Nuisance. The Q as shown is how to subside them in view of the formal licence issued to TS16 by the Tahsildar. At the time of sale it was announced that shops should not be located within a furlong from the road without the Collr's sanction. The site selected by the lessee of TS16 was licensed by the Tahsildar on the wrong impression that it was a furlong off the road. But on subsequent verification by the RI it was found that the licensed site was only 500 ft from the public road & there. Consequently outside the ~~notified~~ announced limits. As such, the Collrs sanction is necessary, according to the announcement made at the time of sale. The Collr may therefore, now dispose to accord his sanction and thus invalidate the formal licence issued by the Tahsildar. If the above view is not accepted, then the only course is to revoke the lessee's licence under Condn 32, in case this proposal to shift his shop is not agreed to by the Collr. For others

The Collr has called on the Tahsildar to explain ~~what he meant the formal licence~~ for his Carebas disposal of the objection letter. As regards the SI, the Collr has also the ~~to~~ to take necessary action

---

19 hand but 26 was lowest time. Still there is a reason why he shd. ascertain on the work. 8.2.11

Area 3 b 2 C&R

b 23 (K)

b 19 (Y)

In all practical purposes a furlong 8.2.11

Area 3 b 2 C4

No licence issued 8.2.11

b 5 (J) Please see also b 9 (L)

Para 4 b 2-3

b 2, para 4 C2

and under the rules the Collector cannot cancel the license. The Board has power under Condition 41 of the General Conditions applicable to all Alkali & Opium licenses to make the change, but there is no special reason for the change. The Board can also act under condition 32 of the General Conditions. If the renter of J.S no 16 does not reserve his shop beyond a fortnight of the word.

Reader 8.2.23

C, The Goth might very well have disposed of this matter himself Please see the postcard sketch at P25 or (X). No 16 is practically the same distance now as before from No 17. It is about one mile nearer No 26. But the shops with the scheduled hours of the renter apparently could do last years site. I shd be inclined to do nothing in the matter, but let the shops stay as they are at present unless the licensees of 17 & 26 are anxious to move then shd this be done the licences have been granted & we can't alter the terms now without the consent of the licensee & as regards the question of Naming the date 1st J. I don't think they deserve any name at all. [illegible] the Goth rules is inconsistent. It has never been applied or cared about by Govt

The only remark I have to make is that No 16 seems quite superfluous Nos 17 & 26 seem to be adequately accommodated

Sir, Draft Intimation below for approval

I agree: at my point time this or whatever it was had no business to fix undertaking not contained in the notice so to

O.W. No. 6,83,815 4-4-31 1p

DRAFT FOR APPROVAL.

Enclosures

Despatch No.

When given to fair-copyist

Fair-copied by

Fair-copy compared by

When despatched

Office

Register No. 2622/23 dated

From The Collr of Kanara
Karwar Letter Regd No 914 (17)

Subject.
S. Kanara Dt - Sirsi Taluk - TS No 16 - to be leased - 1922-23 - orders passed

To

The

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Ans

The Collr is informed that TS No 16 Sirsi Taluk must be allowed to continue on its present site during the current lease. Dt however seems to that Board that TS Nos 17 & 26 are adequate to meet all requirements and that TS 16 is subject to floods. The Collr is therefore requested to consider for the next lease the advisability of closing TS 16 at the end of the

a place where it will be more
useful.

2 The 2 mile limit in the case
of rural Boards referred to by the Colle
in his letter quoted above has never
been laid down by Govt or applied
in any locality

3 It is observed from the Coll's
report that the bidders were made
to understand at the time of sale
that the lots selected should
not be such as to affect the
interests of the adjacent shore
The Board considers that the
Selling Officer (or whoever was responsible) had no business to ~~profess~~ profess to give undertakings
not contained in the Colls
Sale notification

shouldn't have given an undertaking

if work is subsequently proposed

4 With regard to para 4 of the Colls report
the Coll is informed that the Tahr
and the S.I do not, in the Board's opinion,
deserve any blame in the matter
of the issue of the formal license
for TS 16.

WH
14.2.23

[illegible]
14.2.23

To
DESPATCHED
5 FEB 1923

Ltr of J. Kavanagh
(with records)

Dear